

6/1/2016



City of Saint Louis Mail - Request from Comptroller Darlene Green

Dabrowski, Theresa <dabrowskit@stlouis-mo.gov>

Request from Comptroller Darlene Green

2 messages

Green, Darlene <greend@stlouis-mo.gov>

Wed, Jun 1, 2016 at 9:44 AM

To: "Frank, Richard" <FrankR@stlouis-mo.gov>

Cc: Theresa Dabrowski <dabrowskit@stlouis-mo.gov>, Shalonda Covington <CovingtonS@stlouis-mo.gov>

Dear Mr. Frank:

Please see the attached letters of request from Comptroller Darlene Green.

Thank you,

Chana Morton
Executive Secretary

On behalf of:

Darlene Green
COMPTROLLER
City of St. Louis
greend@stlouis-mo.gov

Office: 314-622-4389
fax: 314-622-4026

 DOC060116.pdf
1290K

Frank, Richard <frankr@stlouis-mo.gov>

Wed, Jun 1, 2016 at 9:47 AM

To: "Green, Darlene" <greend@stlouis-mo.gov>

Cc: Theresa Dabrowski <dabrowskit@stlouis-mo.gov>, Shalonda Covington <CovingtonS@stlouis-mo.gov>

The DOP will be happy to review asap. Thank you.
[Quoted text hidden]



OFFICE OF THE COMPTROLLER
CITY OF ST. LOUIS



DARLENE GREEN
Comptroller

212 City Hall
(314) 622-4389
FAX 622-4026

July 2, 2019

Mr. Richard Frank
Director, Department of Personnel
Carnahan Courthouse
1114 Market Street, Room 700
St. Louis, MO 63101

Dear Mr. Frank,

I am respectfully requesting that you place Mr. James Garavaglia, Deputy Comptroller of Finance and Development, on official Forced Leave, effective Monday, July 2, 2019. Mr. Garavaglia's dishonesty and failure to adequately supervise, delegate, or perform his essential duties is why Forced Leave is necessary.

More specifically, the events that occurred on or about June 26, 2019, where Mr. Garavaglia failed to accurately organize and oversee the routing and signing of essential documents related to the Municipal Court building.

Due to the sensitive nature of his position, it is imperative that this Forced Leave be enacted as soon as possible; and that a restriction be placed upon Mr. Garavaglia's access to all offices within the Department of the Comptroller, as well as all departmental files, emails, official department contractors, vendors, and personnel.

Thank you for your consideration of this request and I look forward to your response.

Sincerely,

Darlene Green
COMPTROLLER

c: Judy Armstrong, Appointing Authority



OFFICE OF THE COMPTROLLER
CITY OF ST. LOUIS



DARLENE GREEN
Comptroller

212 City Hall
(314) 622-4300
FAX 622-4026

July 2, 2019

*Approved
7-2-19*

Mr. Richard Frank
Director, Department of Personnel
Carnahan Courthouse
1114 Market St., Room 700
St. Louis, MO 63101

Dear Mr. Frank:

I am respectfully requesting that you place Mr. James Garavaglia, Deputy Comptroller of Finance and Development, on official Forced Leave, effective Tuesday, July 2, 2019.

Due to the sensitive nature of his position, it is imperative that this Forced Leave be enacted as soon as possible, and that a restriction be placed upon Mr. Garavaglia's access to all offices within the Department of the Comptroller, as well as all departmental files, emails, official departmental contractors, vendors and personnel.

Thank you for your consideration of this request and I look forward to your response.

Sincerely,

Darlene Green
COMPTROLLER

cc: Judy Armstrong, Appointing Authority

DG:edm



OFFICE OF THE COMPTROLLER
CITY OF ST. LOUIS



DARLENE GREEN
Comptroller

212 City Hall
(314) 622-4309
FAX 622-4023

July 2, 2019

Mr. James Garavaglia
Deputy Comptroller, Finance & Development
Comptroller's Office, Ste. 3005
1520 Market St.
St. Louis, MO 63101

Dear Mr. Garavaglia:

As of Tuesday, July 2, 2019, you are being placed on official Forced Leave, pending a pre-termination hearing. During your leave you have the right to use any accumulated vacation or Comp time, per City Regulation #117. You will receive correspondence regarding the specifics of your pre-termination review in the near future.

Please be advised that due to the sensitive nature of your position, you are not authorized to enter any offices operated by the Office of the Comptroller and must refrain from interacting with any emails, files or other official materials pertaining to the Office of the Comptroller. You are to also cease from conducting any official or unofficial Comptroller's office business while on Forced Leave; this includes contacting any vendors, professionals, or staff.

Effective immediately, you are to relinquish all City badges, keys, and all other relatable materials to Ms. Judy Armstrong, Appointing Authority for the Office of the Comptroller.

Sincerely,


Darlene Green
COMPTROLLER

c: Richard Frank, Personnel Director
Judy Armstrong, Appointing Authority

DG:edm

UTHOFF, GRAEBER, BOBINETTE & BLANKE
ATTORNEYS AT LAW

Telephone
(314) 621-9550

906 Olive Street, Suite 300
St. Louis, Missouri 63101
Website: www.ugbbllaw.com

Facsimile
(314) 621-2697

July 10, 2019

SENT VIA US MAIL AND VIA FACSIMILE TO (314) 622-3225

Civil Service Commission of the City of St. Louis
Attn: Ashley McClain, Administrative Assistant
1114 Market Street, Room 712
St. Louis, MO 63101

Re: James Garavaglia-Deputy Comptroller-Forced Leave Appeal

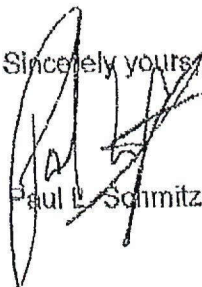
Dear Ms. McClain:

Please accept this letter as my entry of appearance and consent to act on behalf of James Garavaglia in the above-referenced case.

In addition, on behalf of Mr. Garavaglia, this letter serves as timely notice of his request to appeal his placement on forced leave effective July 2, 2019 by the Appointing Authority, Darlene Green, the Comptroller for the City of St. Louis. Pursuant to Administrative Regulation 117, Section VI, and Section II of the Commission's Evidentiary Hearing Process Rules, my client is requesting that the Commission conduct an evidentiary hearing on this appeal and, thereafter, immediately return him to duty and receive pay for any period of the forced leave which resulted in a dock of his pay.

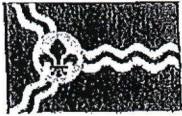
Thank you for your attention in this matter.

Sincerely yours,



Paul L. Schmitz

PLS/



Kistler, Nancy <kistlern@stlouis-mo.gov>

In the matter of James Garavaglia

McClain, Ashley <mcclaina@stlouis-mo.gov>

Thu, Jul 11, 2019 at 4:44 PM

To: Paul Schmitz <pschmitz@ugbbllaw.com>, "Kistler, Nancy" <kistlern@stlouis-mo.gov>


Please see the attached Notice of Hearing in this matter,

Please let me know if you have any questions.

Thank you,

Ashley McClain
City of St. Louis
Department of Personnel
Civil Service Commission
1114 Market Street
St. Louis, Missouri 63101
314.622.3403 Office
314.622.3225 Fax

4 attachments

 **Notice of Hearing Docs.pdf**
2962K

 **Admin Reg 117.pdf**
2416K

 **Rule XIII.pdf**
996K

 **Rule IX.pdf**
667K



LEO W. DONAHUE
CHAIRMAN

STANLEY NEWSOME, SR.
VICE CHAIRMAN

STEVEN M. BARNEY
MEMBER

City of St. Louis

CIVIL SERVICE COMMISSION
1114 MARKET STREET, ROOM 700
ST. LOUIS, MISSOURI 63101 - 2043
314-622-3403

RICHARD R. FRANK
SECRETARY

BEFORE THE CIVIL SERVICE COMMISSION CITY OF ST. LOUIS STATE OF MISSOURI

In the Matter of the Appeal of)
)
JAMES GARAVAGLIA,)
)
Appellant.)

NOTICE OF INSTITUTION OF CASE AND HEARING

On July 10, 2019, Mr. Paul Schmitz filed an appeal on behalf of Mr. James Garavaglia from his forced leave, copy enclosed.

A hearing has been scheduled for Tuesday, July 23, 2019 at 1:00 P.M., 1114 Market Street, Room 714, St. Louis, Missouri. A copy of the Civil Service Commission's policies regarding the conduct of hearings is attached. A copy of the Civil Service Rules may be obtained from the Offices of the Commission, 1114 Market Street, Room 700, St. Louis, Missouri, 314-622-3403, or a copy will be sent upon request.

CERTIFICATE OF SERVICE

Undersigned certifies that a true and accurate copy of the foregoing was mailed to Mr. Paul Schmitz, Uthoff, Graeber, Bobinette & Blanke, 906 Olive Street, Suite 300, Saint Louis, MO 63101; Comptroller Darlene Green, Comptroller's Officer, 1200 Market, Room 212, Appointing Authority; and Ms. Nancy Kistler, Deputy City Counselor, on this 11th of July 2019.

Ashley McClain
Administrative Assistant

UTHOFF, GRAEBER, BOBINETTE & BLANKE
ATTORNEYS AT LAW

Telephone
(314) 621-9550

906 Olive Street, Suite 300
St. Louis, Missouri 63101
Website: www.ugbblaw.com
Paul L. Schmitz
pschmitz@ugbblaw.com

Facsimile
(314) 621-2697

July 12, 2019

SENT FIRST CLASS MAIL
AND VIA EMAIL - mcclaina@stlouis-mo.gov

Ashley McClain
Civil Service Commission of the City of St. Louis
1114 Market Street, Room 712
St. Louis, MO 63101

Re: The Appeal of James Garavaglia/Forced Leave Appeal

Dear Ms. McClain:

In anticipation of the hearing for Mr. Garavaglia's appeal, scheduled for July 23, 2019 at 1:00 p.m., on behalf of appellant, please issue the following subpoenas:

1. To the keeper of records for the City of St. Louis, Office of the Comptroller, to produce evidence of the following:
 - a. all documents evidencing the Appointing Authority's basis for placing Mr. Garavaglia on Forced Leave;
 - b. any and all investigative reports and/or incident reports, disciplinary reports, written witness statements, records, or other supporting documents related to Mr. Garavaglia's placement on Forced Leave;
 - c. all notices or notifications provided to Mr. Garavaglia or the Director of Personnel for the City of St. Louis referencing his placement on forced leave;
 - d. any and all photographs, audio recordings, video recordings/surveillance, and/or all other non-documentary evidence gathered in the process of investigating the basis for placing Mr. Garavaglia on Forced Leave;
 - e. All correspondence between the appointing authority and/or her designee to the Division of Personnel regarding Mr. Garavaglia's placement on forced leave.

Civil Service Commission of the City of St. Louis
Ashley McClain, Administrative Assistant
July 12, 2019
Page 2

The following is also a City Employee:

2. Richard Frank, Director of Personnel, City of St. Louis.

Thank you for your cooperation in this matter. Please contact me by email or by phone with any questions.

Very truly yours,

Paul L. Schmitz

PLS/

cc: Nancy Kistler, Deputy City Counselor (via email)
Appellant (via first class mail)

Page 2
Muni Courts Documents Incident
J. Garavaglia

Sheila told me she was unsure of what I was talking about (even though she was also copied on the email sent by Tom Ray). I explained to her what documents I was referring to, and about Tom Ray's email, but she still was unsure. I asked her to please talk with Jim and to let him know that the Comptroller would like to sign the documents, today.

At 4:15 p.m., while still waiting for a response from Jim and Sheila - I replied to Tom Ray's email, making sure to "reply all" to include both Jim and Sheila, to let Tom know that I had spoken with Sheila and had asked her to bring the documents back to our office here in City Hall so that the Comptroller could sign and execute the documents as soon as possible.

At 4:23 p.m. Sheila Woods sent an email replying only to me and copying Jim (see attached) stating that she was instructed on what to do with the documents "when they get to this office tomorrow" she then suggested that if I had any additional questions to talk to Jim directly. At 4:37 p.m. I responded to Sheila, and included all who were copied on the original email, that per the Comptroller, she was to bring the documents to our office today, so that the Comptroller could sign them.

At 4:40 p.m. Sheila called my office - I thought maybe she would say to me that she would check with the mailroom, but instead she stated and said that they did not have the documents. I asked her if she could contact Sherry in the Mayor's office to try to locate them. James Garavaglia then began to speak to me (as I was placed on speaker) and stated that they did not have the documents and asked me, "What do you want me to do?" I stated that I did not know what he needed to do, but that the Comptroller wanted to sign the documents today. Jim raised his voice and again told me that they did not know where the documents were and what did I want him to do? I again reiterated that I wasn't sure what he could do, but that the Comptroller wanted them located and signed today. Out of the blue Jim stated that in order to get the documents signed by Friday, he would be willing to take the documents to her home. I told him that would not be necessary, it was Wednesday, and she was fully prepared to sign the documents today.

At approximately 4:50 p.m., I again called the Comptroller to relay Jim's message that he did not know where the documents were. The Comptroller then asked me to set up a conference call to include: Tom Ray, Jim Garavaglia; Sherry Wibbenmeyer; the Comptroller, and myself. During the call, Jim spoke first saying that unbeknownst to him, Mr. Roger Denny, of the Spencer Fane law firm, had been walking the documents around earlier that day. The Comptroller asked Jim if he knew where the documents were now. Jim stated, "In the mail". The Comptroller stated, "You don't have them?" and Jim replied, no. The Comptroller then asked him how the documents would be handled since he (Jim) would be on vacation the next day. The call concluded by Jim stating that he would instruct Sheila or Tom Ray to make sure that the documents, once received in the morning mail, would be routed to City Hall for her signature.

Thursday, June 27, 2019:

On Thursday, June 27th, at 11:09 a.m. I received an email from Mr. Roger Denny asking if he could come to City Hall with the remaining signature pages for us to insert into the documents. Tom Ray communicated that he had spoken with Sheila Woods at 10:15 a.m., and that Sheila had given the documents to Marsha Veal to deliver to the Comptroller's office.

After not hearing from Sheila Woods, I finally received a call from Marsha Veal around 11:20 a.m.; she did not, however, mention anything about the Municipal Court documents, but instead asked me if the Comptroller had signed a lease agreement for an address located on Washington Ave. After a few minutes of answering her questions, and after a very long pause, I inquired if Sheila had given her (Marsha), the Muni Court documents we were waiting for? Marsha responded that they had arrived around 10:00 a.m. that morning, from the mailroom. I asked her if she would be bringing the documents to our office, hopefully that morning, for the Comptroller's signature. Marsha stated yes, she would bring them.

At 12:26 p.m. I was copied on an email from Tom Ray to Mr. Roger Denny stating that he had just finished speaking with Jim Garavaglia, and that Marsha Veal had volunteered to walk the documents around to get them signed and executed (see attached). The documents still had not made it to our office for the Comptroller's signature.

Around 12:50 p.m. Marsha finally arrived with the Muni Court documents. She explained to me that she was instructed to "hand deliver" the documents directly to "the Comptroller only". I told her that the Comptroller was on her way to the office and that the Comptroller wanted the documents left with me. She strongly disagreed and said that Jim told her that she was to deliver the documents directly to the Comptroller and to wait for them. Marsha briefly sat in a chair for a few minutes then abruptly stated that she would have to come back when the Comptroller was in the office. I again told her that she could leave the documents, as I have years of experience doing this, but Marsha disagreed and we argued.

She then started to leave and I asked her how we could get in touch with her to let her know when the Comptroller had arrived? Could I call her cell? Marsha stated that she did not have her cell phone on her and that she would just have to return later.

1:00 p.m. — As Marsha began to leave our office, I let her know that if she left, with the documents in her hands, I would have no other choice but to email Tom Ray, and the rest of the thread, to let them know that we still did not have the documents. Marsha argued in disagreement and then left with the documents in hand.

At 1:02 p.m. I then emailed Tom Ray to inform him (and the rest of the email thread participants) that we still did not have the documents for the Comptroller's signature. (See attachment #1).



OFFICE OF THE COMPTROLLER
CITY OF ST. LOUIS



DARLENE GREEN
Comptroller

212 City Hall
(314) 622-4389
FAX 622-4026

To: Ms. Nancy Kistler
Deputy City Counselor

From: Comptroller Darlene Green *dg*

Date: July 12, 2019

Re: James Garavaglia – Documentation – Muni Court 5th Amendment
Incident.

At the June 19, 2019, E&A meeting I became aware of an email sent by Jim Garavaglia to Beverly Fitzsimmons to place an item on the agenda when Mayor Krewson read aloud the email thread. This was my first time hearing about the email Jim sent. This is important because I didn't realize Jim had initiated the request for the extension item to be added to the agenda. I knew generally that the request for an extension was coming because Jim had mentioned it to me earlier in the month. However, I was not fully apprised of the situation, including a pending default. As the mayor read aloud the email thread, I immediately became concerned that I had a weakness in my office. As deputy comptroller for finance and development, it was incumbent on Jim to inform and apprise his superior on development matters—including challenges and areas of concern.

After the meeting I decided to find out more about the email and spoke to Beverly at length the following day. I learned about a separate email thread sent to Jim from Beverly on both June 14th and 18th asking Jim if I was in agreement with the extension. Jim intentionally ignored her and said nothing to me until he called me Tuesday, June 18, the day before the E&A meeting. Jim led me to believe the Mayor's office initiated putting the item on the agenda the day before the meeting. I then realized Jim had not been forthcoming with the truth.

The day before the E&A meeting Jim called me to tell me the Mayor's office wanted to put the item on the agenda and he asked if he could send the documents to Todd Waelterman in the Mayor's office. I said to Jim no, please send the documents to me. I did this because delinquent taxes were owed and should be

paid before an extension, and I also thought it was time for the city to learn if there were any new plans for going forward if an extension was granted to the developer. Besides it was too late to add an item to the agenda to meet the deadline for the June 19 E&A meeting. A special meeting would have to be called, which would give the E&A members an opportunity to hear about the developer's next steps.

Jim misrepresented the truth to me. He had not realized taxes were owed when he initially asked Beverly to place the extension item on the agenda. Jim did not have tax clearance before he made his request to place the item on the agenda. Besides being disappointed that he had let down the comptroller's office, I considered it very serious that he misled me in that manner and because of the sensitive nature of his position his actions definitely warranted disciplinary action.

During the time I was considering what disciplinary action to take—in other words I knew I needed to take some action, but I didn't yet know what action—the following occurred over the course of a two day period, June 26-27, 2019:

—Mishandled routing real estate closing documents for signatures—

I was prompted to put Jim Garavaglia on forced leave for this latest misconduct because there already existed a pattern of the same behavior of mishandling the routing of important financial documents.

An investigation was appropriate to assess the situation properly not only because of the type of misconduct (dishonesty and the pattern of mishandling routing financial documents) but, the high level and sensitive nature of his position.

Further, given dishonesty was in the equation, I could not trust him to represent me again and that there could be other problems that would surface during an investigation which would help determine an appropriate course of disciplinary action.

Attachments (2)

c: Judy Armstrong
Appointing Authority



OFFICE OF THE COMPTROLLER
CITY OF ST. LOUIS



DARLENE GREEN
Comptroller

212 City Hall
(314) 622-4389
FAX: (314) 622-4020

July 18, 2019

Mr. Richard Frank
Director, Department of Personnel
Carnahan Courthouse
1114 Market Street, Room 700
St. Louis, MO 63101

Dear Mr. Frank,

As of today, July 18, 2019, I would like to officially withdraw my request of Forced Leave for Mr. James Garavaglia, as stated in my letter to you dated July 2, 2019.

Thank you for your attention to this matter and please feel free to contact me if you have any questions.

Sincerely,

Darlene Green
COMPTROLLER

c: James Garavaglia
Judy Armstrong, Appointing Authority
Nancy Kistler, Deputy City Counselor



OFFICE OF THE COMPTROLLER
CITY OF ST. LOUIS



DARLENE GREEN
Comptroller

212 City Hall
(314) 622-4389
FAX (314) 622-4026

July 18, 2019

Mr. Richard Frank
Director, Department of Personnel
Carnahan Courthouse
1114 Market St., Room 700
St. Louis, MO 63101

Dear Mr. Frank:

I am respectfully requesting that you place Mr. James Garavaglia, Deputy Comptroller of Finance and Development, on official Forced Leave, effective Thursday, July 18, 2019, pending an investigation into some serious fiscal improprieties that have come to light.

The Forced Leave is being requested as James Garavaglia has access to confidential files and computer systems; with this in mind, and due to the sensitive nature of his position, it is imperative that this Forced Leave be enacted as soon as possible. We are also requesting permission to place a restriction upon Mr. Garavaglia's access to all offices within the Department of the Comptroller, as well as all departmental files, emails, official departmental contractors, vendors and personnel.

Thank you for your consideration of this request and I look forward to your response.

Sincerely,

Darlene Green
COMPTROLLER

c: Judy Armstrong, Appointing Authority

DG:edn



OFFICE OF THE COMPTROLLER
CITY OF ST. LOUIS



DARLENE GREEN
Comptroller

212 City Hall
(314) 622-4389
FAX: (314) 622-4026

July 18, 2019

Mr. Richard Frank
Director, Department of Personnel
Carnahan Courthouse
1114 Market St., Room 700
St. Louis, MO 63101

*Approved
7-18-19*

Dear Mr. Frank:

I am respectfully requesting that you place Mr. James Garavaglia, Deputy Comptroller of Finance and Development, on official Forced Leave, effective Thursday, July 18, 2019, pending an investigation into some serious fiscal improprieties that have come to light.

The Forced Leave is being requested as James Garavaglia has access to confidential files and computer systems; with this in mind, and due to the sensitive nature of his position, it is imperative that this Forced Leave be enacted as soon as possible. We are also requesting permission to place a restriction upon Mr. Garavaglia's access to all offices within the Department of the Comptroller, as well as all departmental files, emails, official departmental contractors, vendors and personnel.

Thank you for your consideration of this request and I look forward to your response.

Sincerely,

Darlene Green
COMPTROLLER

c: Judy Armstrong, Appointing Authority

DG:cdm



OFFICE OF THE COMPTROLLER
CITY OF ST. LOUIS



DARLENE GREEN
Comptroller

212 City Hall
(314) 622-4389
FAX: (314) 622-4026

July 18, 2019

Mr. James Garavaglia
5405 Elizabeth Ave.
St. Louis, MO 63100

Dear Mr. Garavaglia:

As of today, Thursday, July 18, 2019, you are being placed on official Forced Leave of absence, pending an internal investigation into some improprieties that have come to light. During your Forced Leave you have the right to use any accumulated vacation or comp time, per City Regulation #117.

The Forced Leave is being enacted immediately due to the sensitive nature of your position, and your access to confidential files and computer systems. Please be advised that while on Forced Leave you are not authorized to enter any offices operated by the Office of the Comptroller and must refrain from interacting with any emails, files or other official materials of the Office of the Comptroller. You are to also cease from conducting any official or unofficial business while on Forced Leave; this includes contacting vendors, professionals, or staff.

Effective immediately, you are to relinquish any and all City badges, keys, and all other relatable properties to Ms. Judy Armstrong, Appointing Authority for the Office of the Comptroller.

Sincerely,

Darlene Green
COMPTROLLER

c: Richard Frank, Personnel Director
Judy Armstrong, Appointing Authority

UTHOFF, GRAEBER, BOBINETTE & BLANKE
ATTORNEYS AT LAW

Telephone
(314) 621-9550

906 Olive Street, Suite 300
St. Louis, Missouri 63101
Website: www.ugbblaw.com

Facsimile
(314) 621-2697

July 23, 2019

SENT VIA EMAIL TO mcclaina@stlouis-mo.gov
Civil Service Commission of the City of St. Louis
Attn: Ashley McClain, Administrative Assistant
1114 Market Street, Room 712
St. Louis, MO 63101

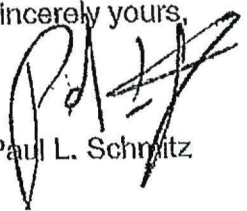
Re: James Garavaglia-Deputy Comptroller-Forced Leave Appeal

Dear Ms. McClain:

I remain counsel for Mr. Garavaglia and incorporate by reference my entry of appearance on behalf of my client that was made on July 10, 2019. As a new notice was issued on July 18, 2019, this letter serves as timely notice of his request to appeal this *second* placement on forced leave, effective July 18, 2019, by the Appointing Authority, Darlene Green, the Comptroller for the City of St. Louis. Pursuant to Administrative Regulation 117, Section VI, and Section II of the Commission's Evidentiary Hearing Process Rules, my client is requesting that the Commission conduct an evidentiary hearing on this appeal and, thereafter, immediately return him to duty and receive pay for any period of the forced leave which resulted in a dock of his pay.

Thank you for your attention in this matter.

Sincerely yours,


Paul L. Schnitz

PLS/

UTHOFF, GRAEBER, ROBINETTE & BLANKE

ATTORNEYS AT LAW

Telephone
(314) 621-9550

906 Olive Street, Suite 300
St. Louis, Missouri 63101
Website: www.ugbbllaw.com

Facsimile
(314) 621-2697

July 23, 2019

SENT VIA EMAIL TO mcclaina@stlouis-mo.gov

Civil Service Commission of the City of St. Louis
Attn: Ashley McClain, Administrative Assistant
1114 Market Street, Room 712
St. Louis, MO 63101

Re: James Garavaglia-Deputy Comptroller-Forced Leave Appeal

Dear Ms. McClain:

I remain counsel for Mr. Garavaglia and incorporate by reference my entry of appearance on behalf of my client that was made on July 10, 2019. As a new notice was issued on July 18, 2019, this letter serves as timely notice of his request to appeal this *second* placement on forced leave, effective July 18, 2019, by the Appointing Authority, Darlene Green, the Comptroller for the City of St. Louis. Pursuant to Administrative Regulation 117, Section VI, and Section II of the Commission's Evidentiary Hearing Process Rules, my client is requesting that the Commission conduct an evidentiary hearing on this appeal and, thereafter, immediately return him to duty and receive pay for any period of the forced leave which resulted in a dock of his pay.

Thank you for your attention in this matter.

Sincerely yours,

Paul L. Schmitz

PLS/

DARLENE GREEN
Comptroller



OFFICE OF THE COMPTROLLER
CITY OF ST. LOUIS



212 City Hall
(314) 622-4389
FAX: (314) 622-4026

August 12, 2019

Mr. Richard Frank
Director, Department of Personnel
Carnahan Courthouse
1114 Market St., Room 700
St. Louis, MO 63101

Dear Mr. Frank:

I would like to respectfully request an extension to the Forced Leave, placed upon Mr. James Garavaglia July 18, 2019, for an additional 30 days. We are requesting this extension in light of the ongoing investigation and pending report from the State Auditor's office.

The effective date of this extension should begin on Sunday, August 18, 2019.

Due to the sensitive nature of his position, it is imperative that this 30 day extension be enacted as soon as possible and that a continued restriction be placed upon Mr. Garavaglia's access to all offices within the Department of the Comptroller as well as all departmental files, emails, official departmental contractors, vendors, and personnel.

Thank you for your consideration of this request and I look forward to your response.

Sincerely,

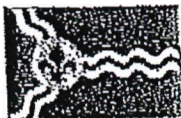
Darlene Green
COMPTROLLER

C: Judy Armstrong, Appointing Authority

DG:cdm

8/13/2019

City of Saint Louis Mail - Request for Extension of Forced Leave for J.G.



Frank, Richard <frankr@stlouis-mo.gov>

Request for Extension of Forced Leave for J.G.

1 message

Frank, Richard <frankr@stlouis-mo.gov>

Tue, Aug 13, 2019 at 10:45 AM

To: Darlene Green <GreenD@stlouis-mo.gov>

Cc: Judy Armstrong <armstrongju@stlouis-mo.gov>, "Thomas, Linda" <ThomasL@stlouis-mo.gov>, Chris Dussold
<DussoldC@stlouis-mo.gov>

Honorable Comptroller Green:

I am in receipt of your letter of 08/12/19 seeking to extend the forced leave for Mr. James Garavaglia for an additional thirty (30) days, effective August 18, 2019. Please be advised that I am approving your request for the reasons set forth in your letter.

Thank you.

UTHOFF, GRAEBER, BOBINETTE & BLANKE
ATTORNEYS AT LAW

Telephone
(314) 621-9550

906 Olive Street, Suite 300
St. Louis, Missouri 63101
Website: www.ugbbllaw.com
Paul L. Schmitz
pschmitz@ugbbllaw.com

Facsimile
(314) 621-2697

August 15, 2019

SENT FIRST CLASS MAIL
AND VIA EMAIL - mcclaina@stlouis-mo.gov

Ashley McClain
Civil Service Commission of the City of St. Louis
1114 Market Street, Room 712
St. Louis, MO 63101

Re: The Appeal of James Garavaglia/Forced Leave Appeal

Dear Ms. McClain:

In anticipation of the hearing for Mr. Garavaglia's appeal, scheduled for August 29, 2019 at 10:30 a.m., on behalf of appellant, please issue the following subpoenas:

1. To the keeper of records for the City of St. Louis, Office of the Comptroller, to produce evidence of the following:
 - a. all documents evidencing the Appointing Authority's basis for placing Mr. Garavaglia on Forced Leave;
 - b. any and all investigative reports and/or incident reports, disciplinary reports, written witness statements, records, or other supporting documents related to Mr. Garavaglia's placement on Forced Leave;
 - c. all reports, witness statements, spreadsheets, electronic records, emails, receipts, financial or accounting statements, checks, photographs, audio recordings, video recordings, surveillance recordings, and/or all other documentary or electronic evidence discovered in the course of an investigation into any "fiscal improprieties" related to Appellant's placement on forced leave;
 - d. all notices or notifications provided to Mr. Garavaglia or the Director of Personnel for the City of St. Louis referencing his placement on forced leave;
 - e. any and all photographs, audio recordings, video recordings/surveillance, and/or all other non-documentary evidence gathered in the process of investigating the basis for placing Mr. Garavaglia on Forced Leave;

**BEFORE THE CIVIL SERVICE COMMISSION
STATE OF MISSOURI
CITY OF ST. LOUIS**

IN THE MATTER OF

JAMES GARAVAGLIA,

APPELLANT.

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)
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)
)

MOTION FOR CONTINUANCE

Comes now the Appointing Authority, by and through the undersigned counsel, and requests a continuance. In support of this Motion, the Appointing Authority states:

1. The hearing for the Appellant's appeal of the Appointing Authority's decision to place Appellant on forced on July 18, 2019 is scheduled for August 29, 2019.
2. The Appointing Authority is unavailable on August 29, 2019 because of a previously scheduled family obligation.
3. An extension of Appellant's forced leave for an additional thirty (30) days, effective August 18, 2019, has been approved by the Director of Personnel.
4. The investigation is currently ongoing.
5. If the hearing is continued until the week of September 30, 2019, additional evidence will be available that will be relevant to the Appointing Authority's reasonable cause to place Appellant on forced leave.
6. The Appellant has 498 accrued hours of paid vacation leave as of August 15, 2019 that he has been, and will continue to be, able to utilize while on forced leave, so he will not be prejudiced or harmed if the hearing is continued until the week of September 30, 2019.

WHEREFORE, the Appointing Authority respectfully requests this Commission continue the hearing scheduled for August 29, 2019 and reschedule the hearing for the week of September 30, 2019.

Respectfully submitted,

/s/ Nancy R. Kistler
Nancy R. Kistler
Deputy City Counselor
Room 314 City Hall
St. Louis, MO 63103

A copy of the foregoing was served via email this 16th day of August, 2019 to:

Richard Frank
FrankR@stlouis-mo.gov

Ashley McClain
mcclaina@stlouis-mo.gov

Paul Schmitz
pschmitz@ugbbllaw.com

/s/ Nancy R. Kistler

BEFORE THE CIVIL SERVICE COMMISSION
OF THE CITY OF ST. LOUIS
STATE OF MISSOURI

In the Matter of the Appeal of)
)
JAMES GARAVAGLIA,)
)
Appellant.)

ORDER

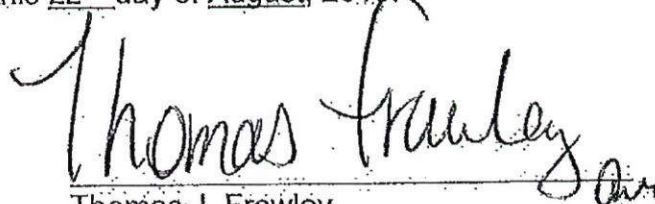
Under Evidentiary Hearing Process Rule, IV.d., a subpoena duces tecum shall not be issued in appeals of forced leave.

Therefore, the Appointing Authority's Motion to Quash Subpoena directed to the Office of the Comptroller shall be, and hereby is, granted.

Under Evidentiary Hearing Process Rule, IV.m., an appellant or his counsel may examine his personnel file if a subpoena has been issued for the personnel file.

Therefore, Appointing Authority's Motion to Quash Subpoena directed to the Department of Personnel shall be, and hereby is, denied.

DATED this 22nd day of August, 2019.


Thomas J. Frawley
Hearing Officer

BEFORE THE CIVIL SERVICE COMMISSION
OF THE CITY OF ST. LOUIS
STATE OF MISSOURI

In the Matter of the Appeal of)

JAMES GARAVAGLIA,)

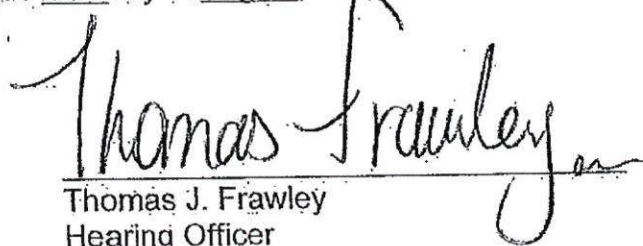
Appellant.)

ORDER

Under Administrative Regulation No. 117, an employee placed on forced leave may elect to be placed on vacation leave, but if the forced leave is disapproved, the employee will not be restored his vacation leave.

Therefore, Appointing Authority's Motion for Continuance shall be, and hereby is, denied.

DATED this 22nd day of August, 2019.


Thomas J. Frawley
Hearing Officer



OFFICE OF THE COMPTROLLER
CITY OF ST. LOUIS



DARLENE GREEN
Comptroller

212 City Hall
(314) 622-3297
FAX 622-4026

MEMORANDUM

TO: Comptroller Darlene Green

FROM: Judy L. Armstrong

DATE: August 26, 2019

RE: James Garavaglia's AT&T and Waste Management Investigation

On January 30, 2009, Mr. Garavaglia signed a "Master Agreement" with AT&T. AT&T is utilizing this as a contract with the City of St. Louis. Mr. Garavaglia is not able to sign a contract obligating the City. AT&T has several accounts with the City of which Mr. Garavaglia, or his representative, are to maintain and balance each month. It is difficult to know exactly when these accounts first became out of balance by carrying a past due amount. There was a settlement agreement submitted by AT&T in 2013, but it was never brought to the attention of the Deputy or Comptroller until July 2019.

1. On July 10, 2019 Mary Harp, the City's AT&T representative, sent a Master Agreement to us which was signed by James Garavaglia. AT&T considers this agreement to be a contract between AT&T and the City. (See Attached)
2. Account # 314 A79-3006 600 5, as of the invoice for June 27, 2019, has a past due amount of \$902,904.61. This past due amount has been escalating for several years. On the May 27, 2018 invoice the past due amount was \$465,066.15. (See Attached)
3. Parks Department also has an AT&T bill that has escalated over the last few years. Greg Hayes contacted Mr. Garavaglia and was told not to pay the bill until it was corrected. The issue was they were out of contract so their service price increased. As of July 10, 2019 they had a past due balance of \$418,240.47. Since they were using the AT&T service, they should have been paying something on the invoice while the particulars were being worked out. (See Attached)
4. On July 12, 2019, Sheri Cross asked if we could have a meeting with AT&T and Nice inContact. Nice inContact were planning to disconnect the service for non-payment with our call centers in CSB, SLAAA, and City Courts. Later we discovered that the Building Division was also not paying inContact. This service was contracted with AT&T who subcontracted with Nice inContact, but there is a part of the service that AT&T is not authorized to invoice, so

inContact has to invoice for that service directly. The problem is, the City does not have a contract with Nice inContact, so these departments have not been able to pay these invoices. Each of these departments signed for the service, so inContact believes they have a contract with each department. Mr. Garavaglia was the overseer of these contracts. He also signed the Statement of Work Addendum to Comprehensive Service Order Attachment on March 17, 2017. (See Attached)

5. Waste Management (WM) is the vendor selected to remove trash at the Gateway Transportation Center. Their original contract was for July 1, 2015 – June 30, 2017 with the City having the right to extend for three (3) additional one-year periods for a maximum of five (5) years. James Garavaglia signed an extended contract for 36 months on May 22, 2017. WM is now out of contract because the extension should have been done as an amendment and gone through the proper channels of getting signatures along with tax and license clearance. (See Attached)
 - WM believes they have an extension that is good until 2020.
 - Mr. Garavaglia is not authorized to sign a contract.
 - To extend, an amendment should have been done each of the three (3) years.
 - It states in WM contract that Mr. Garavaglia signed, "it shall automatically renew thereafter for additional terms of 36 months (Renewal terms) unless terminated as set forth herein." The City is not authorized to automatically renew contracts past five (5) years. They must go out for bid again.
 6. In December 2014, Equipment Services questioned an amount posted to their account that was not theirs. They continued to pay their current service invoices since that was actually what they owed. ESD continued to carry a surplus amount every month. Not getting a resolution from AT&T, they reached out to Mr. Garavaglia on May 27, 2015. His response to her was, "We don't know that....Don't need to do their jobs.....Let them figure it out." As the Asset Manager at this time, and being over Telecommunications or just being helpful he could have requested from Accounts Payable the documentation for this payment. As of Friday, August 23, 2019 this has not been corrected. I just received the documentation that AT&T asked for and will work with AT&T to resolve this issue after almost five (5) years. (See Attached)
- c: Kelley Anderson, Esq.
Special Assistant to the Comptroller

BEFORE THE CIVIL SERVICE COMMISSION

CITY OF ST. LOUIS
STATE OF MISSOURI

SUBPOENA DUCES TECUM

IN THE MATTER OF)
)
JAMES GARAVAGLIA,)

TO: Keeper of Records, City of St. Louis, Comptroller's Office
GREETING:

YOU ARE HEREBY COMMANDED, that setting aside all manner of excuse and delay, you be and appear at 1114 Market Street, Room 714, St. Louis, Missouri 63101, on the 29th day of August 2019 at 10:30 o'clock A.M., and thereafter from time to time until the case is disposed of or you are finally discharged.

X To produce for the Appellant: See attached

Your attention is directed to Section 6 of Rule XIII of the Rules of the Civil Service Commission which states:

"FALSE STATEMENTS UNDER OATH AND REFUSAL TO TESTIFY FORBIDDEN:

If any officer or employee in the classified service shall make any false statement under oath or shall willfully refuse to testify or answer any questions relative to the matter being heard by the Commission or the Director on any grounds, he shall be dismissed from the classified service and shall not be eligible for appointment to any position in the classified or exempt service for a period of five (5) years. His false statement under oath or refusal to testify shall be incorporated in his personnel record and shall be considered as a factor at any time at which he may make application for appointment to the City Service."

Ordered this 15th day of August in the year of 2019.



Richard R. Frank
Director of Personnel

The attorney or party requesting attendance of witness is:

Mr. Paul Schmitz, Attorney at Law
CC: Ms. Nancy Kistler, Deputy City Counselor

BEFORE THE CIVIL SERVICE COMMISSION

CITY OF ST. LOUIS
STATE OF MISSOURI

SUBPOENA DUCES TECUM

IN THE MATTER OF)
)
JAMES GARAVAGLIA,)

TO: Keeper of Records, City of St. Louis, Department of Personnel
GREETING:

YOU ARE HEREBY COMMANDED, that setting aside all manner of excuse and delay, you be and appear at 1114 Market Street, Room 714, St. Louis, Missouri 63101, on the 29th day of August 2019 at 10:30 o'clock A.M., and thereafter from time to time until the case is disposed of or you are finally discharged.


X To produce for the Appellant: See attached

Your attention is directed to Section 6 of Rule XIII of the Rules of the Civil Service Commission which states:

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If any officer or employee in the classified service shall make any false statement under oath or shall willfully refuse to testify or answer any questions relative to the matter being heard by the Commission or the Director on any grounds, he shall be dismissed from the classified service and shall not be eligible for appointment to any position in the classified or exempt service for a period of five (5) years. His false statement under oath or refusal to testify shall be incorporated in his personnel record and shall be considered as a factor at any time at which he may make application for appointment to the City Service."

Ordered this 15th day of August in the year of 2019.



Richard R. Frank
Director of Personnel

The attorney or party requesting attendance of witness is:

Mr. Paul Schmitz, Attorney at Law
CC: Ms. Nancy Kistler, Deputy City Counselor

BEFORE THE CIVIL SERVICE COMMISSION

CITY OF ST. LOUIS
STATE OF MISSOURI

SUBPOENA

IN THE MATTER OF)
)
JAMES GARAVAGLIA,)

TO: Director of Personnel, Mr. Richard Frank
GREETING:

YOU ARE HEREBY COMMANDED, that setting aside all manner of excuse and delay, you be and appear at 1114 Market Street, Room 714, St. Louis, Missouri 63101, on the 29th day of August 2019 at 10:30 o'clock A.M., and thereafter from time to time until the case is disposed of or you are finally discharged.

X To testify on behalf of: Appellant

Your attention is directed to Section 6 of Rule XIII of the Rules of the Civil Service Commission which states:

"FALSE STATEMENTS UNDER OATH AND REFUSAL TO TESTIFY FORBIDDEN:

If any officer or employee in the classified service shall make any false statement under oath or shall willfully refuse to testify or answer any questions relative to the matter being heard by the Commission or the Director on any grounds, he shall be dismissed from the classified service and shall not be eligible for appointment to any position in the classified or exempt service for a period of five (5) years. His false statement under oath or refusal to testify shall be incorporated in his personnel record and shall be considered as a factor at any time at which he may make application for appointment to the City Service."

Ordered this 15th day of August in the year of 2019



Richard R. Frank
Director of Personnel

The attorney or party requesting attendance of witness is:

Mr. Paul Schmitz, Attorney for Appellant
CC: Ms. Nancy Kistler, Deputy City Counselor

BEFORE THE CIVIL SERVICE COMMISSION

CITY OF ST. LOUIS
STATE OF MISSOURI

SUBPOENA

IN THE MATTER OF)
)
JAMES GARAVAGLIA,)

TO: Ms. Darlene Green, Comptroller, Comptroller's Office
GREETING:

YOU ARE HEREBY COMMANDED, that setting aside all manner of excuse and delay, you be and appear at 1114 Market Street, Room 714, St. Louis, Missouri 63101, on the 29th day of August 2019 at 10:30 o'clock A.M., and thereafter from time to time until the case is disposed of or you are finally discharged.

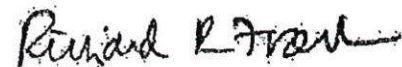
X To testify on behalf of: City

Your attention is directed to Section 6 of Rule XIII of the Rules of the Civil Service Commission which states:

"FALSE STATEMENTS UNDER OATH AND REFUSAL TO TESTIFY FORBIDDEN:

If any officer or employee in the classified service shall make any false statement under oath or shall willfully refuse to testify or answer any questions relative to the matter being heard by the Commission or the Director on any grounds, he shall be dismissed from the classified service and shall not be eligible for appointment to any position in the classified or exempt service for a period of five (5) years. His false statement under oath or refusal to testify shall be incorporated in his personnel record and shall be considered as a factor at any time at which he may make application for appointment to the City Service."

Ordered this 22nd day of August in the year of 2019



Richard R. Frank
Director of Personnel

The attorney or party requesting attendance of witness is:

Ms. Nancy Kistler, Deputy City Counselor
CC: Mr. Paul Schmitz, Attorney for Appellant

DARLENE GREEN
Comptroller



OFFICE OF THE COMPTROLLER
CITY OF ST. LOUIS



212 City Hall
(314) 622-4389
FAX: (314) 622-4026

August 28, 2019

Director Richard Frank
Department of Personnel
Carnahan Courthouse
1114 Market Street, Room 700
St. Louis, MO 63101
Via Email & Hand-delivered

Dear Mr. Frank,

As of today, August 28, 2019, I would like to officially withdraw my request of Forced Leave for Mr. James Garavaglia, as stated in my letter to you dated July 18, 2019.

Thank you for your attention to this matter and please feel free to contact me if you need any additional information or if you have any questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Darlene Green".

Darlene Green
COMPTROLLER

Attachment (1)

c; James Garavaglia
Judy Armstrong, Appointing Authority
✓ Nancy Kistler, Deputy City Counselor

DG:cdm



LEO W. DONAHUE
CHAIRMAN

STANLEY NEWSOME, SR.
VICE CHAIRMAN

STEVEN M. BARNEY
MEMBER

City of St. Louis

CIVIL SERVICE COMMISSION
1114 MARKET STREET, ROOM 700
ST. LOUIS, MISSOURI 63101 - 2043
314-622-3403

RICHARD R. FRANK
SECRETARY

August 28, 2019

Mr. Paul Schmitz
Uthoff, Graeber, Bobinette & Blanke
906 Olive Street, Suite 300
Saint Louis, MO 63101

Ms. Nancy Kistler
Deputy City Counselor
City Hall
1200 Market Street, Room 314

Re: James Garavaglia – Forced Leave of July 18, 2019

Dear Mr. Schmitz and Ms. Kistler:

This is to advise that the Director has approved the written request of Comptroller Green, dated August 28, 2019, to officially withdraw the request of forced leave for Mr. James Garavaglia dated July 18, 2019.

As a result, the hearing scheduled for tomorrow appealing Mr. Garavaglia's forced leave has been cancelled and the appeal has been administratively closed.

Any accrued leave time Mr. Garavaglia used during this period of forced leave from July 18, 2019 through August 28, 2019, shall be restored.

Please do not hesitate to contact me if anything else is needed.

Very truly yours,

A handwritten signature in black ink, appearing to read "Ashley McClain".

Ashley McClain
Administrative Assistant



OFFICE OF THE COMPTROLLER
CITY OF ST. LOUIS



DARLENE GREEN
Comptroller

212 City Hall
(314) 622-4389
FAX: (314) 622-4026

August 28, 2019

Mr. James Garavaglia
5405 Elizabeth
St. Louis, MO 63110

Via: Hand-Delivered

RE: Pre-Termination Hearing

Dear Mr. Garavaglia:

A pre-termination hearing has been scheduled for Thursday, September 12, 2019 at 9am; this hearing will be conducted at 1520 Market Street, Suite 3005. Mr. Garavaglia, this hearing is according to the City of St. Louis Personnel Regulation NO. 117, Section VII. During this informal hearing, I will read the charges against you and provide supporting documentation or evidence, and you or your representative will have the opportunity to respond and present any evidence that you may have.

You are hereby charged with the following workplace violations:

1. You have improperly signed multiple city contracts and contract extensions including automatic extensions without legal authorization to do so, putting the city at risk, dating back to 2009.
2. Your failure to properly perform your duties and do the research to rectify issues has caused multiple telecommunication invoices to remain past due and unpaid for 18 months or more and you failed to report the same to your superior dating back to January 2018 and earlier.
3. The Internal Audit section was denied access to audit the Transportation Center by you without cause and you failed to inform your superior of the same.
4. You failed to perform or delegate a simple tax clearance task before attempting to cause real estate closing transaction (item) to be posted on the Estimate and Apportionment (E&A) Agenda.
5. You improperly attempted to cause the item to be posted via subterfuge by misrepresenting the facts (truth) to your superior about the item and misrepresenting the facts (truth) about your superior's support for the item to other employees.
6. You were insubordinate in the manner in which you improperly managed the signing process for the real estate closing documents.
7. The investigation into your fiscal improprieties has been broadened to include the state auditor's.

The above mentioned fiscal improprieties are inconsistent with protecting the public and fiscal integrity of the office and are supported by documentation, including, but not limited to, emails. The multiple acts of fiscal irregularities and failure to disclose to your supervisor when discovered, insubordination, subterfuge, and failure to perform your duties is unbecoming of a high level employee such as yourself and cannot be allowed to continue.

*Various provisions of the City of St. Louis Department of Personnel, Administrative and Joint Regulations:

<https://www.stlouis-mo.gov/government/departments/personnel/documents/ordinances-regulations/personnel-administrative-and-joint-regulations.cfm>

Various provisions of the Employee Code of Conduct including, but not limited to, the following:

City Supervisors are responsible for:

"Setting an example of competence and appropriate ethical behavior
Maintaining a workplace environment that encourages open communication, free of the fear of reprisal, in the belief that respectful honesty is the surest way to identify problem areas, address them fairly, and resolve them."

City Employees are responsible for:

"Competence and ethical behavior; regularly reviewing this Code and comparing their own behavior to the responsibilities and standards described in this code."

<https://www.stlouis-mo.gov/government/departments/personnel/documents/index.cfm>

The purpose of this pre-termination hearing is to allow you the opportunity to respond to the charges, review any evidence against you, and present any evidence on your behalf, including any mitigating circumstances that may be involved.

You may have a representative at the pre-termination hearing. It is your responsibility to notify your representative, if any, of the time, date, and location of the hearing and provide him/her with all documentation provided to you. Either you or your representative can make arrangements to review any evidence against you from receipt of this notification up until the time of the hearing itself. Failure to appear will result in you waiving your right to the said hearing.